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ACCIDENTS TO WORKING CHILDREN

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Exactly one hundred and seven years ago, the first protective labor legislation of the civilized world was enacted in England. It was intended then, as all such legislation is to-day designed, for the protection of the masses against the classes. Two names, representing the extreme ends of the social scale, will forever be associated with the inception of this great movement, Lord Ashley, Earl of Shaftesbury, and Robert Owen.

As far back as 1601, in the reign of Elizabeth, destitute children and orphans were required by law to be taught spinning, weaving and other trades, and to be later apprenticed. In those days the condition of such children was deplorable. They were put to work at five years of age, and worked from seven to five in winter, and from six to six in summer, attending school after the long day's work was finished. Between the age of eight and eleven they were apprenticed, which meant that they were consigned to little more than slavery in the hands of masters, often brutal and unscrupulous.

The intolerable conditions existing at the beginning of the last century in England resulted in the passage by Parliament in 1802 of an Act, introduced by Sir Robert Peel, known as the Health and Morals of Apprentices Act. This statute limited the number of working hours to twelve a day; provided for instruction in reading, writing and arithmetic after working hours; abolished night work gradually; stipulated that factories were to be kept cleaned and ventilated, and that apprentices should be properly housed and clothed, and should attend church at least once a month. All mills and factories were required to be registered with the clerk of the peace, and two justices of the peace, one of whom must be a clergyman, were appointed as inspectors of factories with power to impose fines varying from two pounds to five pounds for violations of the Act.

Kinder Wood in his *History of Factory Legislation* states that "Socially and industrially the first two or three decades of the nineteenth century form a gloomy period, in which, as Spencer Wal-

pole observes, it took twenty-five years of legislation to restrict a child of nine to a sixty-nine-hour week, and that only in cotton mills." Continued agitation on this subject by Robert Owen and others resulted in the passage in 1819 of an Act placing the age limit at nine years, and prohibiting any child under sixteen years from working more than twelve hours a day, exclusive of meal times. This law applied only to cotton mills, although the advocates of the act intended it to apply to all mills in which twenty or more persons were employed.

Various acts were passed between 1819 and 1832, but it was in the year 1833 that the turning point of factory legislation was made by a law that has been referred to as "the first stone laid in the up-building of the great fabric of factory and protective legislation the world over." This memorable act was the result of the work started by Michael Sadler, a philanthropist and economist, and completed by Lord Ashley, afterward Earl of Shaftesbury, who took his seat in Parliament in that year. The new statute called for the appointment of four Government Inspectors working under control of and directly responsible to the Home Secretary. The inspectors were empowered to enter any factory at will, investigate conditions, call witnesses to give evidence; also to make necessary regulations to enforce compliance with the provisions of the act and to make reports twice a year. All persons under eighteen years of age were prohibited from working between 8:30 p. m. and 5:30 a. m. in any textile or silk mill. No person under eighteen years was to be employed more than twelve hours a day, or sixty-nine hours in any one week. No child under nine years of age was to be employed, except in silk mills. One hour and a half a day was to be allowed for meal times. Children were not allowed in the same room with machinery or to remain in the mill after the legal working hours. One of the most important and difficult duties of the inspectors was to prevent the employment of children under the prohibited age, for both employers and parents conspired to defeat the law, the one because he wanted children, regardless of age, to work in his factory; and the other because he was willing to sacrifice the future health and welfare of his child for the sake of the few pennies that helped to increase the family funds.

It was not until 1837 that an act was passed requiring all births in England to be registered, and providing that no child be employed

without a certificate from a duly qualified physician that the child was of the ordinary appearance and in the physical condition presumed by the age claimed.

During the next twenty-five years, between 1837 and 1862, various laws were enacted relating to textile factories and allied industries, including the ten-hour law that came into effect in 1847, and the act of 1860, placing dyeing and bleaching works under the factory act.

On August 15, 1861, Lord Shaftesbury moved in the House of Lords for an investigation into the conditions of employment of children and young persons in the industries not then regulated by law. The result of this investigation disclosed conditions as deplorable as those existing in the textile trades at the beginning of the century. Children of four and five years of age were required to work by the side of parents in the hosiery trade, and, according to the report, "mothers will pin them to their knee to keep them to their work, and give them a slap to keep them awake. If the children are pinned up so, they cannot fall when they are slapped or go to sleep." It is hard to imagine a worse picture of parental selfishness, avarice and greed than one that thus blights the physical and mental development of children, and handicaps them perhaps during life for the sordid gain of the insignificant earnings from their feeble efforts.

The minimum age of employment in Great Britain is twelve to fourteen years of age for children, and fourteen to eighteen years for young persons. Children under twelve years of age may not be employed in factories and workshops; children under eleven years may not be employed in street trades. The employment underground of boys less than thirteen years of age and of females of any age is prohibited.

A special investigation of the number of children and young persons employed in textile factories and in laundries was made by the Factory Inspectors for the year 1901, showing that the total number of persons employed was 1,120,439, of which the number of children and young persons was twenty-four per cent.

The annual report of the Chief Inspector of Factories and Workshops of the United Kingdom for 1906 gives many interesting statistics. The number of establishments under inspection was 255,189, excluding docks, warehouses, buildings or domestic workshops.

The number of employees was approximately 4,950,000. During the year 1906 the number of children examined for certificates of fitness for employment in factories was 390,869, of which 385,415 were certified and 5,454 were rejected. The number of industrial accidents reported was 111,904, of which 76,208 were reported to inspectors only and were of minor character, and 35,696 to certifying surgeons involving fatal and non-fatal injuries. Of the number reported to these surgeons 7,220 applied to young persons from thirteen to eighteen years, and 152 to children from twelve to fourteen years of age, a total of 7,372, or about twenty per cent. of the whole number reported.

In France, the act of March, 1900, regulates the employment of women and children in factories and mills, and controls the hours of labor in all establishments where women and children are employed. As a result, a decided diminution has been noted in recent years in establishments employing a mixed working force, for the employment of adult males alone allows the full twelve-hour day under the law of 1848, whereas under the act of 1900 the limit of a day's work is ten hours. The number of establishments included in the report of the Bureau of Labor of the French Government for 1905 was 511,783, employing 3,726,578 persons, of whom 300,988 were males under eighteen years, and 264,650 were females under eighteen years. The total number of accidents reported was 259,882, including fatal and non-fatal injuries. Of this number, accidents to employees under eighteen years of age amounted to 21,900, or nearly eight and one-half per cent. of the total. Children must have completed their thirteenth year, and have finished a common school course of education before they may be employed in any manufacturing industry in France. Children under sixteen years of age may be required to undergo a physical examination before beginning work in certain occupations. Children under eighteen must obtain certificates showing age, schooling qualifications and physical fitness to perform the work at which they wish to be employed. No female of any age may be employed in work underground.

In Germany, the labor of children is regulated by the industrial code as amended June, 1900; by the ordinance of the Federal Council of July, 1900, and by the law of March, 1903. Children under thirteen years, or if over thirteen, who have not completed the common school course, may not be employed in factories, mines, building

operations and in workshops designated by law or decree as unsuited to such employment. Children over twelve years of age may be employed in workshops not otherwise prohibited, also in commercial or transportation enterprises, or in hotels and restaurants. Children over ten years of age, if related to the employer by blood to the third degree, or legally under his control, may be employed under the same conditions subject to the authority of the Federal Council and local officials. No female of any age may be employed underground. Certificates must be secured by all young persons before accepting employment, and the employer must file with the local police officials a statement showing the location of the establishment; the number of children to be employed; the character of the work they are to do; the hours of labor, and the time of rest periods.

The report of the Factory Inspectors of the German Empire for the year 1905 shows that 226,565 establishments were reported, employing 5,607,657 persons, of which number there were 382,264 young persons from fourteen to sixteen years, and 10,245 children under fourteen years, the percentage of children employed being about seven per cent. of the whole number of employees.

The Italian Government published in 1906 the report of the Bureau of Statistics, giving data that had been collected by the Bureau between the years 1885 and 1903. The number of establishments covered by the report was 117,407, employing 1,400,157 persons. Of this number there were 79,415 males and 118,191 females of fifteen years or under, making a total of 197,606, or about fourteen per cent. of the entire number of employees. This is the only one of the Great European nations where the number of female children employed exceeds the number of male working children. This situation is accounted for largely by the fact that about 67,000 girls are employed in the textile industries alone, or nearly one-third of the entire number of girls employed under fifteen years of age. Child labor in Italy is regulated by the law of June, 1902, and the administrative decree of January, 1903. The minimum age of employment is twelve years for factories, shops and surface work, and fourteen years for males only in underground work. No child under fifteen years of age, or minor female may be employed until a certificate has been secured, showing the proper qualifications as to age, health and education.

Austria regulates the labor of children by the laws of June,

1884, and March, 1885. Children under twelve years of age are not to be employed in workshops. Children from twelve to fourteen years of age may be employed only in such work as will not injure their physical development or prevent school attendance. Children under fourteen years of age are not to be employed in factories, and from fourteen to sixteen years may be employed only in the "lighter work" of factories, except that from twelve to fourteen years they may engage in the "lighter work" of factories under special permit of local officials. No male child under fourteen years of age may be employed in a mine, and no female of any age may work underground. In 1903 the number of employees in establishments visited by Austrian Factory Inspectors was 789,883, and of this number ninety-four per cent. were adults and six per cent. were young persons.

In Belgium child labor is regulated by the law of December, 1889, modified by royal decrees, the most important of which are the decrees of December, 1892, March and May, 1893, February, 1895, and July, 1904. The employment of children under twelve years of age in factories, mines, quarries and establishments using mechanical motive power is prohibited. Females under twenty-one may not be employed in mines. Certificates showing age, education and physical qualifications must be secured by males under sixteen and females under twenty-one before employment. The total number of employees in establishments visited by Belgian factory inspectors in 1900 was 273,363, of which children twelve to sixteen years numbered 32,591, or about twelve per cent.

In Switzerland children under fourteen years of age may not be employed in factories, and, by special decree, the employment of children under sixteen years of age is prohibited in establishments using saws and similar machinery, or in work connected with explosives, harmful chemicals, or processes where much dust is produced. The total number of employees in all manufacturing industries of Switzerland in 1901 was 242,534, and about fifteen per cent. of this number were children fourteen to eighteen years of age.

America, the refuge for the downtrodden and oppressed, the magic name that fires with boundless enthusiasm the mind of every man and woman here assembled; admired and respected of all other nations, what has this great country accomplished for the prohibition of child labor and the prevention of accidents to working children?

Throughout the length and breadth of this "sweet land of liberty," from the rock-ribbed coast of New England, with its ever busy hum of almost ceaseless toil, to where the gleaming waters of the Pacific softly ebb and flow along the verdant shores of our glorious West, everywhere in this, "our own, our native land," echoes the urgent appeal for help from half a million children, illiterate, helpless, overworked and underfed. How have we responded to the call!

On January 1, 1909, in every state and territory of the United States, excepting the District of Columbia, Nevada, New Mexico and Hawaii, laws were in force regulating the age of child labor under varying conditions and with numerous exemptions. Most of you are familiar with these laws through articles, addresses and reports printed under the auspices of the National Child Labor Committee. While some of the laws have undeniably improved conditions to a marked degree as regards the employment of children of immature age, no one will attempt to claim that the work has more than started. Accidents to working children are due largely to illiteracy, and the incapacity to understand and appreciate the dangerous features of industrial life. The failure to read and comprehend rules and warning signs in factories is one of the most prolific sources of injury. Another frequent cause is the inclination to play around dangerous machinery, "skylarking," as factory superintendents call it, which is oftentimes attended with tragic results. I recall a case that came under my personal observation less than six months ago, where a boy sixteen years of age, in attempting to show some of his young fellow-employees how rapidly he could force sheets of cardboard through a press, caught his hand between the rolls, and before the power could be shut off his arm was crushed almost to the shoulder and had to be amputated in order to save his life.

In another case a man who was employed in a large rolling mill secured a position for his thirteen-year-old boy on the rolls, rolling steel bars. This boy got possession of a small hand mirror and amused himself by flashing the sunlight into the eyes of the men working near him. While doing this, on one occasion, he failed to turn in time to catch a bar when it came through the rolls. The red-hot bar struck the ground at his feet, coming in contact with one of his legs, and burned off the foot at the ankle.

Perhaps the most usual cause of accidents is the lack of experience of the operator and the want of proper instruction from the foreman or superintendent. In the majority of serious cases with which I have been concerned, the injured child had been employed only a few days or weeks, sometimes only a few hours, and was utterly lacking in experience, education, skill or capacity to undertake the work. The inevitable result followed, generally the loss of one or more fingers, oftentimes the whole hand, occasionally the loss of an arm.

To illustrate: in Tennessee, a colored boy, presumed to be fourteen years of age, but afterwards proven to be only thirteen, secured employment as the off-bearer on a saw, but received no instructions as to work, or any warnings as to the dangers. On the second day of his employment he crawled under the saw table, and his left arm was terribly mangled by the saw.

In a case in Ohio a boy scarcely fifteen years of age was set to work in a wood-working plant, where his only duty was to carry away the material cut off by a saw nearly six feet in diameter. Having seen the operator of the saw endeavor to overcome the momentum after the power was shut off by pressing against the side of the saw with a stick, this boy attempted to do the same thing, which resulted in the loss of his right arm near the shoulder.

In a case in Pennsylvania, a boy twelve years of age was employed to feed pieces of steel through a set of rolls while the same were in motion. Not being informed of the danger of this work, and being ignorant of the ordinary hazard of such employment, one of the rags with which he was working was caught into the rolls, and his left hand and arm were drawn into the rolls and so mangled as to necessitate the amputation of the arm about half way between the wrist and elbow.

From the state of Washington, a case is reported of a boy fourteen years of age, employed in a logging camp in which his father was superintendent. In spite of this fact, the boy was not properly warned as to the dangers of the work, and was injured so severely that it became necessary to amputate one of his legs at the thigh. Such accidents are not confined to factories or mills, for a case is reported from Rhode Island where a boy under sixteen years of age was employed in the laundry room of a department store, and his duties were to run the washer and extractor. While taking a

blanket from the machine in some way his arm became caught, crushing it so badly that it had to be amputated. A suit for \$15,000 was promptly begun, and is still unsettled; the plaintiff's claim is \$4,000.

Mr. Frederick L. Hoffman, in his valuable article on "Industrial Accidents," reported in Bulletin 78 of the Federal Bureau of Labor just issued, states that in 1908, "upon a conservative estimate, the total mortality from accidents in the United States among adult male wage-earners is between 30,000 and 35,000, of which it should not be impossible to save at least one-third, and perhaps one-half, by intelligent and rational methods of factory inspection, legislation and control. In addition, there were approximately not much less than two million non-fatal accidents, that not only involve a vast amount of human suffering and sorrow, but materially curtail the normal longevity among those exposed to the often needless risk of industrial casualties." These figures refer mainly to accidents happening to working adults, but there is an increasing percentage of such accidents to working children, although, unfortunately, neither the statistics of the Federal Government nor of the State Bureaus of Labor can give us the figures at the present time with any degree of certainty or completeness.

While statistics are not available for the whole country showing the percentage of working children, we find from the twelfth census of the United States that the ten states employing the greatest number of children under sixteen years of age were Pennsylvania, New York, Massachusetts, Illinois, North Carolina, South Carolina, New Jersey, Georgia, Maryland and Wisconsin. Pennsylvania ranks first, with over 33,000, and Wisconsin last, with nearly 6,000. It is interesting to note that this list comprises four Eastern, four Southern and two Western states, so that as between the North and the South "honors are easy" on this question.

The status of legislation regulating the age of employment is not clear or satisfactory. The minimum age varies from ten years in some states to sixteen years in others, subject to numerous qualifications and exemptions. For example, the laws of Massachusetts prohibit the employment of children under fourteen years of age in manufacturing and mercantile establishments, and no child may be employed without an age and schooling certificate. These laws are enforced by a large corps of inspectors responsible to a common-

wealth that administers its public affairs on the theory of the greatest good to the greatest number, and as a result, it is rare to find a child employed without a certificate in Massachusetts. On the other hand, Illinois, with over 10,000 children employed under sixteen years of age, according to the twelfth census, does not take the same jealous care of its young workers. While the laws of Illinois prohibit the employment of children under fourteen years of age in factories, stores and mines, and require an age certificate to be placed on file in the establishments employing children, violations are frequent, both as to age and certificates.

There conditions are due partly to the fact that a large percentage of the working children in Illinois are of foreign parentage, and many of these parents have no scruples about obtaining age certificates upon false statements and representations, resorting to various subterfuges to attain the desired end.

The Commissioner of Labor for the State of Minnesota, in his report for 1905-1906, strikes the keynote of the situation when he says that what is needed in his state "is a better understanding of the intentions of the Child Labor Law; more uniformity in its enforcement, and a better co-operation of the different official bodies charged with the execution of the act."

What say the South on this great social and economic question that strikes so deep at the vital elements of its industrial life? We have heard often of the large percentage of young children employed in Southern mills, and we are led to believe that these conditions are acquiesced in with the utmost complacency by the officials of many of these states. It is most gratifying, therefore, to record the sentiments expressed by the Commissioner of Labor of Kentucky in his report for 1905:

"Humanity, charity, education, civilization demand that the system of making little children industrial slaves be abolished. Greedy brutes, whether capitalists or parents, should be compelled to respect the rights of little ones to develop, at least until the age of sixteen, their health and character. It is a reform that can with inestimable value to a nation be prosecuted by a nation."

The number of factories covered by this report is 1095, of which 504 employ no children, leaving 591 factories employing 5360 children. A gratifying feature of the situation in Kentucky is the fact that of 218 accidents tabulated from the two districts into which the state is divided, twenty-six accidents only were recorded to

children of sixteen years or under, which is less than twelve and one half per cent. of the total accidents reported.

Time will not permit an enumeration of the earnest, faithful services rendered year after year by these loyal servants of the nation in charge of the bureaus of labor in the different states in the work of enforcing the child labor laws that are so often conflicting and contradictory. Credit is also due the Federal Government for the interest taken in this subject by the Department of Commerce and Labor, and especially for the investigations now going on. Within two weeks a bill has been introduced in Congress providing for the establishing of a National Children's Bureau to investigate and report upon all questions affecting the welfare, character, health and training of children including premature employment, dangerous occupations and accidents.

The courts, too, are doing their duty in most instances by upholding child labor laws and compelling compliance with their provisions. From far Oregon comes a decision of the Supreme Court in the case of *State vs. Shorey*, and I quote from the opinion the following: "It is competent for the state to forbid the employment of children in certain callings, merely because it believes such prohibition to be for their best interest, although the prohibited employment does not involve a direct danger to morals, decency, or of life or limb. Such legislation is not an unlawful interference with the parents' control over the child or right to its labor, nor with the liberty of the child." Other decisions sustaining these laws have been recently rendered by the Supreme Court of Pennsylvania in the case of *Stehle et al. vs. Jaeger Automatic Machine Company*, where a boy under fourteen years of age was injured while employed contrary to law; by the Supreme Court of North Carolina in the case of *Starnes vs. Albion Manufacturing Company*, involving injuries to a child under ten years of age; by the Supreme Court, of Michigan, in the case of *Van Wyck vs. Dickinson*, for an accident to a child fifteen years of age; by the Supreme Court of California, in the case of *ex parte Weber*; by the Supreme Court of Georgia, in the case of *Platt vs. Southern Photo Material Company*, where an injured child thirteen years of age had been employed without a certificate, and by the Supreme Court of New Jersey, in the case of *Bryant vs. Skillman Hardware Company*, for injuries to a child under fourteen years of age.

In conclusion, I cannot refrain from a passing reference to the silent but effective help rendered by the business with which I have the honor to be associated, namely, the insurance of Employers' Liability in factories, mills and mercantile establishments. Every policy insuring an employer of labor against loss from liability for accidents to his employees contains a clause exempting the insurance company from liability in case of an accident to or caused by any child employed contrary to law. The great force of this provision and its widespread influence as a deterrent against child labor is at once apparent. Legislation will correct this evil eventually, and public opinion can create a strong sentiment that will tend more and more to ameliorate the condition of working children, but selfish considerations of economy will ever be the most potent argument in favor of the employment of persons of legal age. Employers will come to realize in time, as many of them have already been convinced, that they cannot afford to violate the child labor laws of their state, for they not only incur a liability for damages thereby, but are unable to secure insurance to protect them against loss in such cases.

Thus it is that history repeats itself, for the origin of child labor grew out of the sordid desire of employers to secure labor at the lowest possible cost, regardless of the law of nature or of man, and the same selfish considerations will serve to exterminate child labor when it is no longer profitable to use it. Far better that we should consider the moral and intellectual side of this question, rather than the purely material side, for it is only in that way that we can hope to build up individual, as well as national, character.

It was more than three-quarters of a century before the manufacturers, workmen, economists and legislators of Europe and America realized the fallacy of the doctrine that the limitation of the age of employment of children and the reduction of the hours of labor would result in reduction of wages, or increase in the price of manufactured goods, or perhaps both. As a matter of fact, the ultimate end of factory legislation is to create conditions of existence below which the working population of any community shall not decline. Only a certain amount of labor is possible to be, and is actually got out of men, women and children within the ordinary and reasonable limits of a working day,

and the object of the regulations in factory acts is to create the greatest degree of efficiency and productiveness in every working unit. To employ children below the natural and normal age of creative ability, or to work them beyond the limits of their physical endurance, is to impair the commercial value of their efforts, and to incur a debt with nature that neither the child nor the community may be able to liquidate in after years.